



WEARE BOARD OF SELECTMEN
MEETING MINUTES
September 7, 2004

PRESENT: LAURA PETRAIN, CHAIRMAN; LEON METHOT, CO-CHAIRMAN; HELEEN KURK, SELECTMAN.

RECORDING SECRETARY: MERRY RICE

GUESTS: There were no guests

6:35 p.m. Chairman Laura Petrain called the meeting to order.

1. PUBLIC PARTICIPATION – There was no public participation.

2. BI-WEEKLY PAYROLL AND PAYABLES DISCUSSION

Chairman Petrain stated that Mr. Bob Christensen forwarded a short survey to the Board from the employees with regard to whether or not they would be in favor of a bi-weekly payroll. It was pretty straight forward that the majority did not want that. Chairman Petrain wanted to move forward with the payables and whether or not bi-weekly payables would be helpful. Ms. Pierson, Finance Director, said she did not have a problem with that except that there are still a certain amount of checks that still need to be covered like the taxes, credit unions, etc.

Co-Chairman Methot asked Ms. Pierson if those checks were payroll related and she responded, yes, they are payroll checks. Ms. Pierson said the school checks would also filter in and by doing this bi-weekly she may have to do them physically and cut the checks earlier. Ms. Pierson would ask that department heads give her a little leeway in order to get the bills entered in and paid. Ms. Pierson asked that department heads get the bills into her by Wednesday at 4:30 p.m. so she would have them on her desk by Thursday. Ms. Pierson said as bills come into the departments they should be submitted to her.

Selectman Kurk was interested in knowing if Ms. Pierson could give an estimate of the time and money it would save by going bi-weekly. Ms. Pierson was asked to put something together for the Board in the next week or two as to what the dollar saving is in checks.

Chairman Petrain said the bills that are submitted to Ms. Pierson should already be signed and coded by each department with all invoices attached so Ms. Pierson is not looking for codes.

Selectman Kurk suggested that Mr. Christensen send a letter out directing the department heads of the time line and procedure needed so that the bills get paid in a timely manner.

3. NEW BUSINESS

BUDGET WORKSHEET – Ms. Pierson created a new budget worksheet for 2005 and asked the Board some questions as to how they want it done. Co-Chairman Methot said he wants it all wrapped up by December 1, 2004. She normally sends a letter with them having the selectmen request that these are filled out and done by a certain date, number one. Number two, whether you have an estimated percentage of an increase or level funding and any direction you want the department heads to go in.

Chairman Petrain would like something in by October 4, 2004, for the next Board of Selectmen's meeting. Chairman Petrain wants to see what the department heads honestly feel they need without going overboard to run their departments and have the Board take a look to see if any cutting needs to be done. The Board was in consensus of this.

Selectman Kurk, being new on the Board, needs to see how the whole thing was played out in the last four to five years as to what was asked for and what was used and where the flow goes. Ms. Pierson informed Selectman Kurk that the budget worksheet would show her the past years. Ms. Pierson told the Board when the first figures are presented the Board should look at that bottom line to see how much it is over the previous year.

Selectman Kurk said that if we want the budget to pass the Board needs to really look at it carefully and have the departments be really conservative.

Co-Chairman Methot asked Ms. Pierson if it was possible on one set of print outs to do the current year expenditures and what was requested last year and on the second one, the year before and the year before. Ms. Pierson said she could do that for the Board. Co-Chairman Methot said this would give Selectman Kurk a better feel and give him a better sense on what has been happening in the last four years. Co-Chairman Methot also said that when they are submitting all their requests, they need to separate the CIP monies because a few departments think it is all the same and it is not, they are two different discussions.

Chairman Petrain said she would like to see the department heads have this to Ms. Pierson by the 11th of October and it would give the Board a week before the meeting after that. Chairman Petrain said a note should come from Ms. Pierson and Mr. Christensen should stay on top of all the department heads and make sure they are getting them in.

Ms. Pierson said that bid specs need to be put out now for the audit next year to be budgeted. Ms. Pierson will give it to Mr. Christensen to see that they go out to the proper departments.

BIDS - Co-Chairman Methot said bids that need to be discussed with Mr. Christensen and sent out are the Town Report and Lawn Care which should go out in October of this year.

HEALTH CARE - Co-Chairman Methot asked the Board if they received a reply on the question asked of healthcare regarding multi-year at a fixed rate. Selectman Kurk said this would tie the insurance company in so that we are ahead rather than them.

DELIBERATIVE SESSION - Chairman Petrain asked the Board about Deliberative Session. Co-Chairman Methot said Saturday, February 5, 2005 would be good. It has been on Friday evening for the past few years and he has received nothing but complaints from people because it

makes for a long day. The tradition of Saturday was broken a few years back.

Co-Chairman Methot moved, Chairman Petrain seconded to set the first deliberative session on Saturday, February 5, 2005 at 10:00 a.m. Passed 3-0-0.

4. OLD BUSINESS

CODE OF ETHICS DISCUSSION - Chairman Petrain said that after doing research the RSA 31:39A deals with conflict on interest ordinances and basically what we have for our Code of Ethics deals with no conflict of interest, a duty to recuse, a duty to disclose, etc. and based on this RSA it states that the legislative body of a town or city may adopt an ordinance defining and regulating conflict of interest, the local officers and employees whether elected or appointed, whereas, this was adopted by the governing body. Chairman Petrain stated that it is in place but it is not in place in the manner that it needs to be.

Chairman Petrain said if we want to move forward and place it on the ballot in March all members of the Board are to be present and discuss this. She personally is not in favor of the Code of Ethics. She believes the RSA's and employee handbooks gives the Board enough to go by and if any elected official does not recuse himself and does not disclose anything, the RSA is pretty clear as to the manner of which you need to move forward.

Selectman Kurk stated if you have just the five pages of the Code of Ethics, she does not think it does anything, but if you had the backup as Dunbarton does, then conceivably it helps to act as a screen. What we have does not hold any weight and Selectman Kurk is not sure of why it was brought in without all the other pieces.

Chairman Petrain stated the Town of Plaistow is going through some issues with their Ethics Committee. Chairman Petrain said we really need to take a look at what is going on in our town to see if this is needed, or do we want to wait until it is needed.

Co-Chairman Methot said there is no legislative backup for enforceability on any of this and there has been no elected official removed from office from the State for over a hundred years.

Chairman Petrain said the Board has jurisdiction over employees and if you have a Board in place to deal with complaints it is all you need. Residents can let the Board know their feelings by calling the Board of Selectmen's office at 529-7525 or speak with members of the Board.

MANIFESTS – Chairman Petrain asked the Board if they had an opinion on the discussions the Board has been having with the Treasurer in regard to the Board authorizing the payment of the manifest. It seems like every couple of years the Treasurer is saying the Board is not doing the manifests correctly. In the past the Board signed off on the manifests and it was noted in the minutes. About two years ago the Treasurer said the Board is not doing this right, they have to make a motion and they need to sign the manifests in a public meeting. Chairman Petrain said now the Treasurer is not sure the Board can even do the estimated totals because he could turn around and make only one check out and sign off on that because the Board is not specifically saying how much accounts payable is. Technically, said Chairman Petrain, if you use that argument, when the Board has the exact numbers that could be just one check. She believes that argument does not hold a lot of weight because either the Board hasn't been doing it right or they

have been doing it right and now the Board is making a motion and signing off and asked what more the Board can do.

Selectman Kurk stated there are other towns that have bi-weekly meetings all along and questioned how they are handling it. Do they make an appointment to come into the Town Office the week in between and asked if that was posted. Selectman Kurk questioned if half of the cities and towns are doing it wrong.

Chairman Petrain stated she has spoken to NHMA and asked them if it was illegal for the Board of Selectmen to sign off on manifests outside of meetings. NHMA informed her there was nothing in the laws that say they have to be done at a meeting. In the Sanbornton case the Judge said under the Right-to-Know law the public does have the right to view what it is the Board is signing. Chairman Petrain said the public has that right and the Board is not taking that away from them. The Board may be signing on an off week but those are still available here. The Board can come back the week after and say exactly what the Board signed if the Board wants to put the exact numbers of the minutes. Chairman Petrain said it seems like a tug-of-war between the Board of Selectmen and the Treasurer, and he has not come to the meetings to say no, he has talked to the Board members individually.

Co-Chairman Methot said he had contemplated holding off from getting counsel opinion on this and he wondered if it wouldn't behoove the Board to just contact legal counsel and pose the question to him on what the Board wants to do, can they do it and get a written opinion, yes you can, or no, you cannot.

Chairman Petrain said that Mr. Christensen is working on getting a written opinion from NHMA or the Local Government Center this past week. Chairman Petrain stated it is frustrating that every couple of weeks the playing field is changing, yet the laws are not and the Board is letting the Treasurer guide them, yet he is the one changing the rules every couple of years.

Selectman Kurk said a lot of this came about when three Selectmen did not come in to sign the manifests.

Chairman Petrain stated the RSA's the Board pulled out at the last meeting or two ago specifically says the Board of Selectmen orders and authorizes the Treasurer, which is what the Board is doing with these motions. Mr. Christensen is getting some input from the Local Government Center but Chairman Petrain wanted the discussion to be in public session so the public knows what the Board is discussing.

Selectman Methot said he is anxious to hear what NHMA says on this and if it is pretty cut and dry, that is what the Board can adopt as a policy and do it, and if it is a little gray the Board can fall back with legal counsel because he wants to see a hard line of what the Board can or cannot do.

Chairman Petrain moved, Co-Chairman Methot seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated September 9, 2004 in the amount of \$245,450.41 for accounts payable and \$29,986.24 for gross payroll for a total of \$275,436.65 and there is also a void in accounts payable of (\$343.63). Passed 3-0-0.

Chairman Petrain moved, Selectman Kurk seconded to authorize the Board of Selectmen to sign manifests and order the Treasurer to sign checks dated September 16, 2004 in the amount of estimated totals of \$250,000.00 for accounts payable and \$27,000.00 for gross payroll for an estimated total of \$277,000.00. Passed 3-0-0.

MEETING MINUTES – The Board held off on approving meeting minutes because Selectman Cook and Selectmen Reynolds were not present.

PLANNING BOARD COMMITTEE – A volunteer Michael Palmisano, submitted his application to serve on the Planning Board Committee to the Board. Mr. Palmisano has attended a meeting and is still interested.

Co-Chairman Methot moved, Selectman Kurk seconded to appoint Michael Palmisano to the Planning Board. Passed 3-0-0.

TOWN HALL SIGN FOR POLITICAL PURPOSES – Co-Chairman Methot asked the Board if they received a memo from Mr. Christensen regarding town hall sign use for political advertising that he asked NHMA. Co-Chairman Methot said it was a very interesting opinion from NHMA. The Town does not have to provide political space or allow anyone to put signs on town property. The suggestion is to allow a resident's request to use the sign while renting the town hall and adopt a policy and put it in place for the future. Selectman Kurk agreed with Co-Chairman Methot about being a policy thing and a policy needs to be drafted by Mr. Christensen and the Board should have a discussion to move forward.

FEMA – Chairman Petrain discussed FEMA with the Board and advised them per DRA it can be pulled out of the general fund without a Public Hearing. Chairman Petrain asked where it is in the general fund balance how can it just be taken out.

Co-Chairman Methot said there is a special form used to advise the Department of Revenue to tell them what you are doing and why.

Chairman Petrain said FEMA is requesting the money and she would like to put this discussion on the next agenda. Selectman Kurk said the discussion is still out there as to what to do with the \$27,000.00. Co-Chairman Methot said the \$27,000.00 was clearly marked for snow removal and should have a Public Hearing to accept it as under spent revenues and put it back into the Highway Department's budget.

Chairman Petrain said Mr. Christensen needs to put the Warrant Article on the ballot as being able to accept gifts. Co-Chairman Methot said that was done in the 1980's and you only have to do it once not every year. Co-Chairman Methot said the reason the \$34,000.00 that we have to return is not for the same purpose that we received the \$27,000.00. Even though it goes through the same department the two have to be separated.

Co-Chairman Methot suggested doing a Public Hearing to cover our bases without a problem and put into our letter to the Department of Revenue that a Public Hearing was held to draw the \$34,000.00 to be returned to FEMA for overpayment. Selectman Kurk said the Town could have a Public Hearing to accept the \$27,000.00.

Chairman Petrain said she did not think a Public Hearing was needed to apply to the budget and Co-Chairman Methot said it was needed.

SUGAR AND SPICE DAYCARE LEASE - Chairman Petrain advised the Board Draft 3 of the Sugar and Spice Lease that was e-mailed to the Board will be added to the next Board of Selectmen's agenda that is September 15, 2004.

RICK PITTS APPLICATION FOR A SAND & GRAVEL PERMIT – Chairman Petrain said Mr. Rick Pitts asked if he could have some gravel removed to alleviate flooding of the foundation on his home on Center Road. Chairman Petrain wanted to talk to the Board after seeing that Mr. Pitts was going for a Public Hearing to remove more gravel. Once Mr. Pitts put the addition on the slope when the snow melted it flooded his foundation because he didn't remove enough gravel. In the past people have come in with letter of content, like Sanborn's Lumber and Don Boisvert. Mr. Pitt's foundation is already in. Chairman Petrain asked if this was incidental or does Mr. Pitts need to do a Public Hearing and go through the expense to get a gravel permit.

Selectman Kurk said Mr. Pitts is moving it around the property not removing it. Chairman Petrain said Mr. Pitts will be removing it if necessary. Co-Chairman Methot said the Zoning Ordinance allows if it is incidental use, the purpose of removing the gravel is not to have a gravel operation but to correct drainage issues or to put a home or business in. Co-Chairman Methot does not believe a Public Hearing is needed for Mr. Pitts. Co-Chairman Methot suggested having the Building and Assessing Departments keep an eye on this because we do not want it to become a gravel operation, it is to correct a drainage issue on his property and if Mr. Pitts sells gravel there is nothing we can do about it.

Chairman Petrain moved, Co-Chairman Methot seconded to authorize Rick Pitts to remove gravel to rectify drainage issues as outlined in his letter dated 7/30/04 and any changes would need to come before the Board of Selectmen. Passed 3-0-0.

Chairman Petrain also said the Board would sign the notice of intent to excavate that goes to the State.

PUBLIC INPUT MEETING ON BUDGET – Selectman Kurk mentioned that Mr. Christensen had the first Public Input Meeting with the Happy Wearites and thought it went fairly well. Mr. Christensen got some of their input and it was very friendly and comfortably warm and thanks the Happy Wearites for making them feel welcome.

LOCAL GOVERNMENT CENTER REP – Selectman Kurk reminded the Board the Local Government Center needed a representative and she felt it was logical that Chairman Petrain be the Town's representative. Chairman Petrain said she did not believe she could attend the session scheduled for September 17.

Selectman Kurk feels a response is appropriate and a letter to be sent saying the Board read it and good luck and we will get involved next time. The Board was in agreement and suggested Mr. Christensen write a letter to the Local Government Center thanking them.

VOLUNTEER NOMINATIONS – Selectman Kurk said the Volunteer nominations are due

and made suggestions to Mr. Christensen but does not know where the Board wants to go with this. Mr. Paul Morin, Margo McLeod, and Dave Hewey come to Selectman Kurk's mind for nominations. Chairman Petrain said this has to be in on Friday, September 10, 2004 in Concord, NH and the Board was in agreement to have Selectman Kurk do something up on Mr. Paul Morin. She will e-mail Chairman Petrain, Co-Chairman Methot and ask Ms. Naomi Bolton and they can give her highlights on Mr. Morin and she will also call Mr. Christensen.

CAPITAL IMPROVEMENT DISCUSSION - Chairman Petrain asked the Board if they wanted to schedule a meeting on this for September 15, 2004. At the same meeting the Sugar and Spice Daycare lease and FEMA can be discussed and the meeting will start at 6:00 p.m. Selectman Reynolds and Selectman Cook will need to be notified.

JON WALLACE LETTER – Selectman Kurk stated last week the Board thanked Mr. Wallace for the work he has done on the website and the Board needs to ask him to take the word **official** off his website because it is confusing to people. Selectman Kurk suggested a letter be sent to Mr. Wallace by Mr. Christensen with a signature block from the Board to sign.

Selectman Kurk suggested asking Tina Pelletier, the Town's Webmaster why Mr. Wallace is still carrying e-mails. The Board was in agreement.

5. NONPUBLIC SESSION

Chairman Petrain moved to go into non-public under RSA91A:3 II (c) at 7:55 pm. Selectman Methot seconded the motion. A roll call vote was taken: Selectman Methot - yes, Selectman Kurk - yes, Chairman Petrain - yes. Motion passed unanimously.

Time was given for the recording secretary to gather her paperwork and shut down her computer for the evening. The recording secretary left the session prior to discussion beginning.

Present: Selectman Methot, Selectman Kurk, Chairman Petrain.

Chairman Petrain moved to come out of non-public session at 9:00 pm. Seconded by Selectman Methot. A roll call vote was taken: Selectman Methot - yes, Selectman Kurk - yes, Chairman Petrain - yes. Motion passed unanimously.

Chairman Petrain moved to seal and restrict the minutes of the Nonpublic Session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Kurk. A vote was taken. Motion passed unanimously.

6. NONPUBLIC SESSION

Chairman Petrain moved to go into non-public under RSA91A:3 II (a)(c) at 9:01 pm. Selectman Methot seconded the motion. A roll call vote was taken: Selectman Methot - yes, Selectman Kurk - yes, Chairman Petrain - yes. Motion passed unanimously.

Present: Selectman Methot, Selectman Kurk, Chairman Petrain.

Chairman Petrain moved to come out of non-public session at 9:10 pm. Seconded by

Selectman Kurk. A roll call vote was taken: Selectman Methot - yes, Selectman Kurk - yes, Chairman Petrain - yes. Motion passed unanimously.

Chairman Petrain moved to seal and restrict the minutes of the Nonpublic Session pursuant to the authority granted in RSA 91-A:3 III. Seconded by Selectman Kurk. A vote was taken. Motion passed unanimously.

7. OTHER BUSINESS

Chairman Petrain stated that she meant to make a motion earlier with regard to a spending freeze. The budget is tight and with the winter months coming, we need to be cautious of spending. Chairman Petrain stated that even though conventions were supposed to be cleared through the Board, it is not being done.

Selectman Methot moved to institute a spending freeze for all Town Departments to only spend what is needed to run a department until the end of the year. No overnight seminar/workshop expenses will be paid or reimbursed unless they are authorized in a meeting of the Board of Selectmen, prior to being attended. Seconded by Chairman Petrain. A vote was taken. Motion passed unanimously.

8. ADJOURNMENT

Selectman Methot moved to adjourn at 9:12 p.m. Seconded by Selectman Kurk. A vote was taken. Motion passed unanimously.

A True Record.

Merry Rice, Recording Secretary